

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: ZOOM VIDEO
COMMUNICATIONS, INC. PRIVACY
LITIGATION

Master File No. 20-CV-02155-LHK

**ORDER APPOINTING INTERIM CO-
LEAD CLASS COUNSEL AND
PLAINTIFFS' STEERING
COMMITTEE**

This Document Relates To: All Actions

In an order issued on May 28, 2020, the Court invited counsel for the various plaintiffs in the instant consolidated action to file applications to serve as interim lead class counsel. ECF No. 62 at 9. The Court ordered applicants to “address[] the factors set forth in Rule 23(g) [and] other relevant factors,” and the Court stated that applications “may include a resume no longer than three pages.” *Id.* The Court set the deadline for applications on June 8, 2020 and the deadline for responses to applications on June 12, 2020. ECF No. 79.

The Court received nine separate applications to serve as interim lead class counsel in the instant action. ECF Nos. 69, 71–78. The Court also received seven response briefs. ECF Nos. 84–90.

Having reviewed all of these submissions and considering the factors enumerated in Rule

23(g)(1)(A), the Court hereby GRANTS the Application for Appointment of the Wolfson-Molumphy Team as Interim Co-Lead Counsel and Plaintiffs' Steering Committee filed by Tina Wolfson of Ahdoot & Wolfson, PC; Mark C. Molumphy of Cotchett, Pitre & McCarthy LLP; Rachele R. Byrd of Wolf Haldenstein Adler Freeman & Herz LLP; and Albert Y. Chang of Bottini & Bottini, Inc. ECF No. 74.

The Court hereby APPOINTS Tina Wolfson and Mark C. Molumphy as Interim Co-Lead Class Counsel and APPOINTS Rachele R. Byrd of Wolf Haldenstein Adler Freeman & Herz LLP and Albert Y. Chang of Bottini & Bottini, Inc. to the Plaintiffs' Steering Committee.

Additionally, in view of Eric H. Gibbs's previous experience as lead counsel in *In re Adobe Systems, Inc. Privacy Litigation*, 13-CV-05226-LHK (N.D. Cal. 2015), and other significant data privacy cases, the Court APPOINTS Eric H. Gibbs of the Gibbs Law Group LLP to the Plaintiffs' Steering Committee as well.

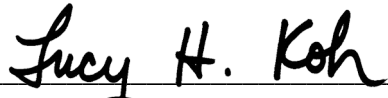
In light of the number of attorneys that comprise Interim Co-Lead Counsel and Plaintiffs' Steering Committee, and in order to ensure efficiency, the Court further adopts the following protocols. Other than the Plaintiffs' Steering Committee, no other law firms shall work on the instant case without prior approval of the Court. Motions for approval of additional Plaintiffs' counsel shall identify the additional Plaintiffs' counsel and their background, the specific proposed tasks, and why Plaintiffs' Steering Committee cannot perform these tasks. If attorney's fees are ultimately awarded in this case, the Court will not award fees for additional Plaintiffs' counsel whom the Court has not approved. Interim Co-Lead Counsel should seek approval before additional Plaintiffs' counsel begin work on the case.

Further, Interim Co-Lead Class Counsel and the Plaintiffs' Steering Committee shall take the following steps to ensure efficiency in representing the putative class in the instant case. First, as Interim Co-Lead Class Counsel, Tina Wolfson or Mark C. Molumphy shall review all billing records for all billers every month and strike duplicative or inefficient billing. Second, all billing shall be contemporaneous, meaning that billing for each task shall be recorded within seven days of the task. Third, all billing shall be recorded by task, rather than by block billing. Fourth, only

work that has been assigned shall be eligible for compensation. Finally, Interim Co-Lead Class Counsel and the Plaintiffs' Steering Committee shall impose and enforce limits on the number of lawyers assigned to each task.

IT IS SO ORDERED.

Dated: June 30, 2020



LUCY H. KOH
United States District Judge

United States District Court
Northern District of California